

DEFENDANTS' EXHIBIT A

Transcript of Proceedings

In re: Uber Rideshare Cases

1 kind of no recipe book, if you will, that tells me in what
2 proportion those ingredients need to be added or what
3 weight they need to be given. So it's really entirely or
4 almost entirely within my discretion.

5 That said, I do have in mind, and I hope the
6 order reflects this, that, you know, both parties'
7 statements were quite thoughtful. Gave me a lot to work
8 with. And I felt it was important, obviously, to give
9 both sides full input into where I come out here, and I
10 also thought it was important, and I tried as best I
11 could, in the time allotted, to explain my reason.

12 So before we get to the associated scheduling
13 issues -- which, as always, may be the most complicated
14 part of any hearing -- I wonder whether either side would
15 like to be heard with respect to the court's bellwether
16 ranking?

17 MR. CUTTER: We accept the court's tentative,
18 Your Honor.

19 THE COURT: Thank you, Mr. Cutter.

20 Mr. Williams?

21 MR. WILLIAMS: John Eddie Williams for the
22 plaintiffs.

23 Judge, do you have a sense of whether you are
24 going to try one case at a time, or is there a chance that
25 we could consolidate some cases for judicial efficiency?

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1 Have you thought that through?

2 THE COURT: I've thought about it. Nobody has

3 raised it. I think the received wisdom is that these
4 cases are -- like personal injury cases, generally are
5 individual and should be tried as such. But I'm certainly

6 open to talking about anything that anybody wants to
7 raise.

8 There -- as I've suggested at the end of the
9 order, there may well be common evidentiary issues. For
10 example, there may be in limine motions that are common to
11 all four cases or however many we end up trying. There
12 may be other legal issues that it might make sense to have
13 some kind of consolidated hearing about.

14 But I had not contemplated a multi-plaintiff
15 trial if that's what you're asking.

16 MR. WILLIAMS: Yes, sir. Okay. It would -- we
17 think that it would, of course, be very efficient -- more
18 efficient to do that. It turns out that the liability
19 should be pretty much the same. The only thing that would
20 change the liability case would be the date of the event
21 because some things that Uber did or didn't do were post
22 that date.

23 THE COURT: Right.

24 MR. WILLIAMS: So, you know, if we were to try
25 different people together, we would like them probably to

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1 have similar time frames. But I think that there is a lot
2 of efficiency to be gained there if the court would
3 entertain that and think about it.

4 THE COURT: Interesting idea.

5 Mr. Atkins?

6 MR. ATKINS: I think I fall on the side of
7 received wisdom in this instance. I don't think liability
8 is common. I think there are a lot of differences.
9 Causation is substantially different from case to case,
10 depending on what the conduct is. What's the alleged act
11 that was the breach of the duty? Is there some kind of
12 safety feature that they say would have prevented the
13 incident? And we're going to say it wouldn't have. It's
14 going to be different in each case.

15 So, you know, liability is certainly not common.
16 It's the same reason personal injury cases aren't suitable
17 to class action treatment. Those issues aren't common.

18 I think Your Honor's idea that there may be
19 issues -- evidentiary issues, let's say. Maybe even
20 challenges to experts that would run across the cases. I
21 think that's an idea that I think we should collectively
22 pursue.

23 But were the court to consider the notion of
24 multi-plaintiff trials, we obviously would strongly object
25 and expect that to be, you know, a matter for briefing and

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1 argument. If Your Honor is even inclined to consider it.

2 THE COURT: Well, I'm here to consider anything
3 anybody wants me to consider. I think it's -- well, if
4 you-all think that it really makes a lot of sense and you
5 want to bring a motion, then, by all means, I'll hear it,
6 and I'll decide it. But I'm sort of telling you where I'm
7 -- at least where I'm starting from absent some additional
8 information.

9 Did you want to address, from Uber's standpoint,
10 the ranking, or do you want to leave it, as Mr. Cutter
11 did?

12 MR. ATKINS: We're prepared to leave it.

13 THE COURT: Okay.

14 MR. ATKINS: I think we have other issues. I
15 think the plaintiffs want to raise some issues, and we'll
16 address those. But the ranking, we're not going to
17 contest.

18 THE COURT: Okay. I mean, there was another
19 issue that I struggled a little bit with, frankly, and
20 that was whether, as Uber suggested, I should select six
21 cases on the theory that, you know, one or more of these
22 cases may settle or otherwise resolve at the last minute.

23 I do know from speaking with some of my
24 colleagues around the state that's a practice that some of
25 them follow. Another practice that some of them follow